IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 3128 of 2007(V)

PETITIONER:

K.I. USMAN, KANNAMKULAM HOUSE,
BMC P.O., THRIKKAKKARA, KOCHI-21.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:
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1. THE STATE TRANSPORT APPELLATE TRIBUNAL, ERNAKULAM.

2. THE REGIONAL TRANSPORT AUTHORITY, ERNAKULAM REP. BY ITS SECRETARY.

3. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.

4. THE MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT CORPORATION, THIRUVANANTHAPURAM.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC
GOVERNMENT PLEADER SRI.C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.3128/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE TEMPORARY PERMIT VALID TILL 17/2/207 DT.26/9/06.

EXT.P2: TRUE COPY OF THE REGULAR PERMIT TO THE BASIC VEHICLE KL-7 AG 1472 DT.1.9.1999.

EXT.P3: TRUE COPY OF THEPROCEEDINGS DT.22.8.06.

EXT.P4: TRUE COPY OF THE MEMORANDUM OF APPEAL IN MVAA 609/2006 DT.25.10.06.

EXT.P5: TRUE COPY OF THE ALLEPPEY-ERNAKULAM SCHEME DATED 18.2.1986.

EXT.P6: TRUE COPY OF THE ERNAKULAM-THRISSUR SCHEME DATED 7.3.1961.

EXT.P7: TRUE COPY OF THE JUDGMENT IN MVAA NO.609/06 DT.12.12.2006.

EXT.P8: TRUE COPY OF THE TEMPORARY PERMITS DATED 17/6/05, 17/10/05, 16/2/06, 17/6/06, 26/9/06 AND 9.2.07.

//TRUE COPY//

ANTONY DOMINIC, J.

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W.P.(C) NO. 3128 OF 2007

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Dated this the 28th day of September, 2007

J U D G M E N T

By Ext.P3 order, the permit applied for by the petitioner was rejected making reference to the notification dated 9/5/06. This order has been confirmed by the Tribunal in Ext.P7 judgment and this writ petition has been filed challenging these two orders.

2. Now the notification dated 9/5/06 has lapsed and a fresh notification has been issued on 9/5/07 and the petitioner claims benefit thereof. In view of this subsequent development, the matter requires to be reconsidered.

3. Accordingly, I dispose of this writ petition directing the 2nd respondent to consider and pass orders on the petitioner's application for regular permit untramelled by Exhibits P3 and P7. This shall be done within six weeks of receipt of a copy of this judgment, and orders shall be passed with notice to KSRTC.

4. In the meantime, the petitioner will be at liberty to make application for temporary permit, which will also be considered.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp